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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,838	10/18/2000	Noriaki Takakura	018901/0178	3535

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FOLEY AND LARDNER
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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,838

Applicant(s)

TAKAKURA, NORIAKI

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 3.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-7 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kamada et al. (hereinafter Kamada) (US 6,108,683).**

3. As to claim 1, Kamada teaches a process scheduling system comprising:
 - plural process schedulers respectively associated with plural user process groups each having at least one user process and selectively activated so as to search the associated user process groups for an executable user process (*“user-level process scheduler” 10-11, “second user-level process scheduler” 10-12, “user process”, 12-1, 12-2, 12-3 of Fig. 3*),
 - an administrator for managing said plural process schedulers (*“the group of the user processes which are managed by using the process management table 18”, col. 12, lines 1-4 and Fig. 6, item 18*),

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- a process managing section respectively associated with said plural process schedulers for managing said plural user process groups (*"the group of the user processes which are managed by using the process management table 18"*, col. 12, lines 1-4 and Fig. 6, item 18), and
- a selector cooperating with said administrator for selectively activating said plural process schedulers and informed of said executable user process (*"user process schedulers"*, *"process execution instruction portion by referring to the process management table"*, col. 4, lines 43-52).

4. As to claim 2, Kamada teaches a process changer associated with said selector and changing a presently processed user process to said executable user process (*"change instruction portion"*, col. 4, lines 43-52).

5. As to claim 3, Kamada teaches in which said administrator has pieces of data information respectively unique to said plural process schedulers (*"process management table"*, col. 4, lines 43-52).

6. As to claim 4, Kamada teaches in which said pieces of data information are representative of starting addresses of programs for implementing said plural process schedulers, respectively (*"process management table"*, col. 4, lines 43-52).

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7. As to claim 5, Kamada teaches in which said process managing section has pieces of data information respectively each having at least one sub-piece of data information unique to said at least one user process of one of said user process groups (*"process management table", col. 4, lines 43-52*).

8. As to claim 6, Kamada teaches a process for scheduling user processes, comprising the steps of:

- a) retaining a context of presently processed user process (*"process execution control portion", "user process", "schedulers", col. 4, lines 23-58*);
- b) calling a selector into execution (*"request or demand from user process", col. 4, lines 43-52*);
- c) selecting one of process schedulers respectively associated with user process groups each having at least one user process (*"user process schedulers", "process execution instruction portion by referring to the process management table", col. 4, lines 43-52*);
and
- d) causing said one of the process schedulers to search the associated user process group for an executable user process (*"the user-level process scheduler determines the allocation of the CPU to such user processes and requests the OS to execute such user processes.", see Abstract, and Fig. 6, items 18, 20, and 24*).

9. As to claim 7, Kamada teaches the step of causing a context of said executable user process for replacing said presently processed user process with said executable user process (*"process execution control portion", "user process", "schedulers", col. 4, lines 25-62*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 8:30AM - 7:00PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
2/22/04


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